

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARCIE FISHER-BORNE, for herself )  
and as guardian *ad litem* for M.F.-B., )  
a minor, et al., )  
Plaintiffs, )

v. )

1:12CV589

)  
JOHN W. SMITH, in his official capacity )  
as the Director of the North Carolina )  
Administrative Office of the Courts, et al., )  
)  
Defendants. )

ORDER

This matter is before the Court on Defendants John W. Smith, The Honorable David L. Churchill, and The Honorable Archie L. Smith III's Motion [Doc. #46] for an extension of time to file their brief in support of Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint. The Court notes Defendants filed their Motion to Dismiss [Doc. #45] without a supporting brief. Local Rule 7.3(a) states that "all motions . . . shall be accompanied by a brief . . . ." Therefore, the Court finds the better course of action would be to strike the Motion to Dismiss for not being in compliance with the Court's Local Rules, but without prejudice to Defendants refiling their Motion to Dismiss accompanied by a supporting brief by September 4, 2013, in accordance with the Court's August 6, 2013 Order [Doc. #47]. As a result, the Motion for Extension of Time to File a Brief [Doc. #46] would be rendered moot.

IT IS THEREFORE ORDERED that Defendants John W. Smith, The Honorable David L. Churchill, and The Honorable Archie L. Smith III's Motion to Dismiss First Amended Complaint [Doc. #45] is STRICKEN without prejudice to Defendants refiling their Motion to Dismiss accompanied by a supporting brief by September 4, 2013.

IT IS FURTHER ORDERED that Defendants' Motion for Extension of Time to File a Brief in Support of Motion to Dismiss First Amended Complaint [Doc. #46] is DENIED as moot.

This, the 7th day of August, 2013.

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/s/ Joi Elizabeth Peake  
United States Magistrate Judge